IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8811 of 2004

Between:

M/s. Sunita Textiles Mills (P) Ltd., 21-6-646, Rikabgunj, Hyderabad.
Rep. by its Managing Director, Sri. Rajaram Wadhwa.

..... PETITIONER

AND

1 The Regional Provident Fund Commissioner, Employment Provident

Fund, Barkathpura, Hyderabad.
2 The Enforcement Officer, Employees' Provident Fund Office,

Barkatpura, Hyderabad, A.P.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in initiating recovery proceedings by computing the amount in pursuance of the order Dated 17.2.2004 as illegal, arbitrary and unjust and consequently direct the respondents not to initiate any action till the disposal of the Appeal before the Appellate Tribunal.

Counsel for the Petitioner:MR.G.RAVI MOHAN

Counsel for the Respondent Nos. 1 & 2: MR.R.N.REDDY, SC for Employees Provident Fund.

The Court made the following :

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ORDER:

Heard the learned counsel for the petitioner and Sri R.N. Reddy, the learned standing counsel for the respondents.

Admittedly, appeal filed by the petitioner against the order passed under section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 dated 17-02-2004 is pending before the Appellate Tribunal. It is represented by the learned counsel for both the parties that the Appellate Tribunal is now functioning. In the circumstances, I deem it appropriate to dispose of the writ petition leaving it open to the Appellate Authority to consider the appeal preferred by the petitioner and pass appropriate orders in accordance with law. However, the interim order granted by this Court on 05-05-2004 not to initiate any action or insist for production of the records shall continue for a period of eight weeks from today.

Accordingly, the Writ Petition is disposed of. No costs.

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30-12-2004

To

1 The Regional Provident Fund Commissioner, Employment Provident

Fund, Barkathpura, Hyderabad.
2 The Enforcement Officer, Employees' Provident Fund Office,

Barkatpura, Hyderabad, A.P.

3 Two C.D. copies.

sj